

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 PHAALEN ALEXANDRA RIALI,

13 Defendant.

CASE NO. CR04-271 TSZ

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

14 INTRODUCTION

15 I conducted a hearing on alleged violations of supervised release in this case on August 10,
16 2005. The United States was represented by Sue Harrison. The defendant was represented by
17 Alison Holcomb. The proceedings were recorded on disk.

18
19 CONVICTION AND SENTENCE

20 Defendant had been convicted of Bank Fraud on or about September 24, 2004. The Hon.
21 Thomas S. Zilly of this court sentenced Defendant to 90 days of confinement, followed by 5 years
22 of supervised release.

23 The conditions of supervised release included requirements that defendant comply with the
24 standard 13 conditions.

25 DEFENDANT'S ADMISSION

26 USPO Jerrod Akins alleged that Defendant violated the conditions of supervised release in
27 6 respects:
28

- (1) Failing to complete 180 days in a community corrections center, in violation of the special condition that she reside in and satisfactorily participate in a Community Corrections Center and/or Comprehensive Sanctions Center program as a condition of supervised release for up to 180 days;
- (2) Associating with a convicted felon, Michael A. Carter, on July 25, 2005, in violation of standard condition No. 9;
- (3) Committing the crime of making a false statement on July 25, 2005, in violation of the general condition that she not commit another federal, state, or local crime;
- (4) Possessing a firearm on July 25, 2005, in violation of the general condition that she not possess a firearm, destructive device, or any other dangerous weapon;
- (5) Possessing drug paraphernalia on July 25, 2005, in violation of standard condition No. 7; and
- (6) Possessing an identification in someone else's name, in violation of the special condition that she not obtain or possess any driver's license, social security number, birth certificate, passport, or any other form of identification in any other name other than her true legal name, without prior written approval of her probation officer.

At an initial hearing, I advised the defendant of these charges and of her constitutional rights. At today's hearing the Defendant admitted the violations Nos. 1 and 3, waived any hearing as to whether they occurred, and agreed to resolve the remaining violations Nos. 2, 4, 5, and 6 at an evidentiary hearing before the Hon. Thomas S. Zilly.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of her supervised release as alleged in violations Nos. 1 and 3; and set the matter for a evidentiary hearing on all remaining allegations.

//

//

//

PROPOSED FINDINGS

PAGE -2-

1 Defendant has been detained pending a final determination by the court.

2 DATED this 17th day of August, 2005.

3
4 

5 Monica J. Benton
6 United States Magistrate Judge
7

8 cc: Sentencing Judge : Hon. Thomas S. Zilly
9 Assistant U.S. Attorney : Sue Harrison
10 Defense Attorney : Alison Holcomb
11 U. S. Probation Officer : Jerrod Akins
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28